



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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4/25/02
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In re application of : **Confirmation No. 5987**
Kazuo HATA et al. : **Docket No. 2000_0776A**
Serial No. 09/597,763 : **Group Art Unit 1772**
Filed June 20, 2000 : **Examiner W. Watkins III**

**CERAMIC SHEET AND PROCESS FOR
PRODUCING THE SAME**

RESPONSE

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

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This is responsive to the Official Action dated March 25, 2002.

The Official Action constitutes a requirement for restriction.

Applicants elect to prosecute the invention of Group I, claims 1-7.

Applicant respectfully traverses the restriction requirement.

Reconsideration and withdrawal of the restriction requirement are respectfully requested.

It is thought that the subject matter is so directly related to each other that it is believed that all of the claims may be properly included in the same application.

In view of the extent of related subject matter in the claims, it is submitted that the restriction requirement is unwarranted in as much as it places undue burden on Applicant and also on the Patent and Trademark Office in that all of this related subject matter has to be searched at least twice, once for the parent application and once for the divisional application if such a divisional application is filed. With regard to this matter, it is pointed out that the notice entitled: "Restriction Between Inventions" in May 13, 1975 issue of the Official Gazette (934 O.G. 450), indicates that "if the search and examination of an entire application can be made without serious burden, the Examiner is encouraged to examine it on the merits, even though it includes claims to distinct or independent inventions".

In view of the fact that the claims in question here have related subject matter and in view of the intent expressed in the aforementioned Patent and Trademark Office Notice relating to restriction practice, reconsideration of the restriction requirement is respectfully requested and withdrawal of this restriction is respectfully requested.

It is further noted that the Commissioner of Patents at page 205 of the April 1975 issued of the "JOURNAL OF THE PATENT OFFICE SOCIETY", (Vol. 57), which is a portion of Commissioner Dann's address delivered before the Southwestern Legal Foundation, Dallas, Texas on March 7, 1975, stated as follows:

"The primary consideration in deciding whether to require restriction is one of expediency -- is it simpler for the Office to examine the subject matter in one application or in more than one, having in mind at the same time the additional burdens which may be caused to the Applicant if restriction is required? The requirement should always take into account the overall effort which will ultimately be spent. In practice, I am afraid it is often made simply because the application at hand can be more quickly disposed of if there is restriction. This may work out to cause the Office and the Applicant more total effort than if restriction had not been required. We are going to encourage a broader view of this problem."

Should the restriction requirement not be withdrawn, Applicant reserves the right to file a divisional application at a later date on the non-elected inventions. Accordingly, reconsideration and favorable action on the merits of this application are respectfully requested.

Respectfully submitted,

Kazuo HATA et al.

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